HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.5659 of 2007

26th April, 2007.

Between:

Balusulapalem Krishnamurthy
and others

… Petitioners

and

Government of Andhra Pradesh,
represented by its Principal Secretary,
Education Department, Secretariat,
Hyderabad, and others

… Respondents

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.5659 of 2007

ORDER:

Having regard to the nature of the relief sought for in the writ petition, with the consent of learned counsel for the parties, the writ petition itself is disposed of.

The father of petitioners had established Hindu Elementary High School in Balasulapalem village in Cherukupalli village, Guntur district, as early as in the year 1922 and the Government had granted recognition to the said school in the year 1931. The 4th respondent herein is acting as Correspondent of the said school from 1987. The said fourth respondent made an application to the competent authority for change of correspondentship in favour of 5th respondent.

It is the grievance of petitioners that the school was established by their father by name Yellapragada Nageswara Rao and earlier, his son late Venkata Laxmi Narasimha Rao was the correspondent and after his death, 4th respondent has continued as correspondent, as such the same cannot be transferred in favour of 5th respondent, who is totally alien to the members of the family and the same is violative of Section 53 of Andhra Pradesh Education Act.

Section 53 of the Andhra Pradesh Education Act prohibits the transfer of land and buildings of an educational institution without the permission from the Government in certain cases. However, it is to be seen that in this case properties are not being transferred. The application of 4th respondent is filed before the competent authority for appointment of 5th respondent as correspondent of the school. In any

event, even the said application is not yet approved and if the petitioners are having any objection for transfer of correspondentship in favour of

5th respondent in any manner, they can put forth the objections before the decision is taken by the competent authority and they cannot seek direction by way of mandamus from this Court.

In that view of the matter, I dispose of the writ petition permitting the petitioners to file their objections before respondent Nos.2 and 3 within a period of three weeks from the date of receipt of this order and respondent Nos.2 and 3 are directed to consider the objections of the petitioners while disposing of the representation of 4th respondent for change of correspondentship and pass appropriate orders. Till objections are filed, no order shall be passed for change of correspondentship. However, it is made clear that if no objections are filed within the time stipulated above, it is open to the competent authority to pass appropriate orders in accordance with the provisions of Andhra Pradesh Education Act and the Rules thereunder.

Subject to above, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J.

26th April, 2007.

Note: Furnish copy in two days.

(b/o)

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